

**PUBLIC RECORDS POLICY  
FOR  
TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Department of Finance and Administration ("F&A") is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of F & A are presumed to be open for inspection unless otherwise provided by law.

Personnel of F&A shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of F&A, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for F&A or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is posted online at <http://www.tn.gov/finance/article/fa-allcontacts>. This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of F&A with the exception of the Division of TennCare which will enact and apply its own Public Records Policy.

**I. Definitions:**

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

## **II. Requesting Access to Public Records**

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing [or email] address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing to: Lola Potter, Director of Communications, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue N., 20th Floor, Nashville, TN 37243, or by phone at (615) 532-8560, or via email at [finance@tn.gov](mailto:finance@tn.gov). The attached form may be used to make a request.
- D. Requests for copies or requests for inspection and copies shall be made in writing to: Lola Potter, Director of Communications, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue N., 20th Floor, Nashville, TN 37243, or by phone at (615) 532-8560, or via email at [finance@tn.gov](mailto:finance@tn.gov).
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of state issued photo ID is required as a condition to inspect or receive copies of public records.

## **III. Responding to Public Records Requests**

### **A. Public Record Request Coordinator**

- 1. The PRRC shall review public record requests and make an initial determination of the following:
  - a. If the requestor provided evidence of Tennessee citizenship;
  - b. If the records requested are described with sufficient specificity to identify them; and
  - c. If F&A is the custodian of the records.
- 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
  - a. Advise the requestor of this Policy and the elections made regarding:
    - i. Proof of Tennessee citizenship;
    - ii. Form(s) required for copies;
    - iii. Fees (and labor threshold and waivers, if applicable); and
    - iv. Aggregation of multiple or frequent requests.

- b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
    - i. The requestor is not or has not presented evidence of being a Tennessee citizen.
    - ii. The request lacks specificity.
    - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
    - iv. The Governmental Entity is not the custodian of the requested records.
    - v. The records do not exist.
  - c. If appropriate, contact the requestor to see if the request can be narrowed.
  - d. Forward the records request to the appropriate records custodian in F&A.
  - e. If requested records are in the custody of a different governmental entity and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC is :
- a. Name or title: Lola Potter, Director of Communications
  - b. Contact information: 312 Rosa L. Parks Avenue N.  
W.R.S. Tennessee Tower  
20th Floor, Nashville, TN 37243  
(615) 532-8560  
Email: [finance@tn.gov](mailto:finance@tn.gov)

**B. Records Custodian**

- 1. Upon receiving a public records request from the PRRC, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, or an attorney in the F&A Office of General Counsel.
- 2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the PRRC's receipt of the request, respond to the requestor as required by Tenn. Code Ann. § 10-7-503. The records custodian shall coordinate with PRRC before sending the Response to the requestor.

3. If a records custodian denies a public record request, he or she shall deny the request in writing as required by Tenn. Code Ann. § 10-7-503, as provided in Section III.A.2.b. The records custodian shall not deny a request without first consulting with the PRRC.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records or additional time is necessary to prepare the records for access, the records custodian shall notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed. The records custodian shall coordinate with PRRC before sending the Response to the requestor or contacting the requestor.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable. The records custodian shall coordinate with PRRC before contacting the requestor and supplementing the records.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. The records custodian should coordinate with PRC and the Office of General Counsel regarding redaction of records to be reviewed or copied.
2. Whenever a redacted record is inspected or provided, the basis for redaction shall be stated in general terms without disclosure of confidential information.

**IV. Inspection of Records**

- A. There shall be no charge for inspection of open public records.
- B. The physical location for inspection of records within the offices of F & A is 312 Rosa L. Parks Avenue N., W.R.S. Tennessee Tower, 20th Floor, Nashville, TN 37243.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

**V. Copies of Records**

- A. A records custodian shall promptly gather requested documents and make copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at the location specified in Section IV (B) above or an alternate location as provided in Section IV (C) above.
- C. Upon payment for postage, copies will be mailed to the requestor's home address via the United States Postal Service. Alternatively, copies may be delivered to the requestor via email transmission upon request by requestor and determination that electronic transfer is more efficient and economical than U. S. Mail.

- D. A requestor will not be allowed to make copies of records or photograph records with personal equipment.

## VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies and duplicates will be waived in the following circumstances:

1. Where the copy and labor charges do not exceed \$10.00;
2. When the copies are requested by another governmental entity within the State of Tennessee; or
3. When an individual requestor establishes that he or she is indigent pursuant to federal poverty guidelines.

- B. Records custodians shall provide requestors with an estimate of the charges prior to producing copies of records and may require pre-payment of such charges before retrieving and producing the requested records.

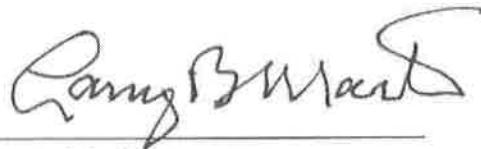
- C. Fees and charges for copies are as follows (*if higher than the amounts authorized by the OORC Schedule of Reasonable Charges, documentation should be attached*):

1. \$0.15 per page for letter- and legal-size black and white copies.
2. \$0.50 per page for letter- and legal-size color copies.
3. Hourly labor fees will be charged when employee time exceeds one hour in connection with production of documents.
4. If an outside vendor is used, the actual costs assessed by the vendor.

- D. Payment is to be made in cash, or by cashiers' check, payable to the Treasurer, State of Tennessee, and presented to the PRRC.

Approval:

Signature:

  
Larry B. Martin, Commissioner

Date:

6/20/17